

REMARKS

In the July 21, 2006 Office Action, the Examiner noted that claims 1-29 were pending in the application, but claims 10-27 had been withdrawn from consideration; rejected claims 1-3, 6-9, 28 and 29 under 35 U.S.C. § 102(e); and rejected claims 4 and 5 under 35 U.S.C. § 103(a). In rejecting the claims, U.S. Patent Application Publication No. 2002/0010928 by Sahota (Reference A in the July 21, 2006 Office Action) and U.S. Patent 5,774,534 to Mayer (Reference A in the October 4, 2004 Office Action) were cited. Claims 1-29 remain in the case. The rejections are traversed below.

Rejections under 35 U.S.C. § 102(e)

On pages 3-6 of the July 21, 2006 Office Action, claims 1-3, 6-9, 28 and 29 were rejected under 35 U.S.C. § 102(e) as anticipated by Sahota. In rejecting claim 1, it was asserted that paragraphs [0060] and [0061] of Sahota disclosed the limitations recited on the last 6 lines of claim 1. As discussed in the Amendment filed November 21, 2006 (received by the U.S. Patent and Trademark Office on November 24, 2006), paragraphs [0060] and [0061] of Sahota merely describe linking to a website from a TV commercial. There is no suggestion in these paragraphs and nothing has been found anywhere else in Sahota that suggests including in either the website address or elsewhere in the TV commercial, "commercial message broadcast designation information ... designating at least the commercial message broadcast" (claim 1, lines 10-11). What is displayed in the system disclosed by Sahota is only a web site address of a retailer. No suggestion has been found in Sahota that the web site address designates the commercial message in any way.

On page 9 of the January 19, 2007 Office Action, the "Response to Arguments" section cited paragraph [0061] of Sahota which references box 445 of the flowchart in Fig. 4, "LAUNCHING INTERACTIVE SERVICES" by "accessing interactive content 510 ... [to] begin interacting with a website as shown in FIG. 5B" which is just a screenshot of a retailer's web page. While this might be interpreted as implying that the end result of what is claimed in claim 1 and taught by Sahota is similar, it is not understood how paragraph [0061] of Sahota teaches what is recited in claim 1 which is required of an anticipatory reference.

It is submitted that paragraph [0061] of Sahota is not as relevant to claim 1 as paragraphs [0057] to [0060] and the corresponding boxes 425, 430, 435 and 440 in Fig. 4 and that the paragraph in Sahota that is the most pertinent to the last six lines of claim 1 is paragraph [0038]. These paragraphs state that "[a]t operation 425, multiplexer/encoder 215 queries

broadcasting server 260 to determine if the video stream is to be integrated with interactive content" (paragraph [0057]), then "[a]t operation 430, ... broadcasting server 260 will send an ATVEF trigger to multiplexer/encoder 215. Multiplexer/encoder 215 then integrates interactive content in real-time based on the ATVEF trigger" (paragraph [0058]) and "multiplexer/encoder 215 then transmits the integrated content to set-top box 106" (paragraph [0059]). It is not clear from these paragraphs how the "integrated content" is transmitted. However, in paragraph [0060], it is stated that

[d]evice frameworks 270 within set-top 106 may further process the integrated content for display on TV 104. For example, as shown in FIG. 5A, set-top 106 sends interactive content of a URL location "http://www.xyz.com" for a clothing retailer with TV commercial 520, which is a commercial for the clothing retailer, for display on TV 104

As illustrated in Fig. 2, and described in paragraph [0038],

[d]evice frameworks 270 communicates with application server 240 via network 275, which can include a residential broadband network. In one embodiment, application server 240 provides the necessary information and data and instructs device frameworks 270 to integrate automatically an existing Internet advertising content, e.g., an advertisement banner, with a television commercial being broadcasted to set-top box 106 via broadcast network 290.

In other words, Sahota does not teach that multiplexer/encoder 215 inserts the URL into a broadcast TV commercial; rather, "device frameworks 270 receive ATVEF triggers and content from application server 240" (paragraph [0035]) via the Internet and as a result, device frameworks 270 adds the content, i.e., the URL, on the screen while the broadcast television advertisement is being displayed, in real-time.

Claim 1 has been amended to further clarify the differences between the invention and what is taught by Sahota. Claim 1 now recites "receiving at a broadcast reception terminal device of a client, as part of the commerce information, commercial message broadcast designation information contained in the commercial message information and designating at least the commercial message broadcast" (claim 1, lines 9-11). As discussed in the Amendment filed November 21, 2006, nothing has been cited or found in Sahota suggesting that "commercial message broadcast designation information" is received "at a broadcast reception terminal .. as part of the commerce information" as recited in claim 1. Rather, Sahota discloses that a set-top device receives interactive content of a URL location "http://www.xyz.com" for a clothing retailer via the Internet and displays the URL on a TV during a TV commercial for the clothing retailer, so that "a user of TV 104 can launch interactive services by accessing interactive content" (paragraph [0061]).

For at least the above reasons, it is submitted that claim 1, as well as claims 2-9 which depend therefrom, patentably distinguish over Sahota.

In addition, claim 8 recites "distributing instructions about merchandise or a service generated by the merchandise producer or the service provider to a shop at which a client receives merchandise or a service" (claim 8, lines 1-3). It is clear from the application, e.g., the paragraph spanning pages 17 and 18, that the word "shop" refers to a physical location, not an Internet website. The system taught by Sahota only enables the "client" (e.g., claim 8, line 3) to make purchases from an online store. On the other hand, according to claims 1 and 8, a client can make a purchase in shop, i.e., a "bricks and mortar" store, using "commercial message information relating to the commercial message broadcast" (claim 1, line 13) and "instructions about merchandise or a service generated by the merchandise producer" (claim 8, line 13) which could be referenced on a printout or a portable terminal possessed by the client, such as a mobile phone, as illustrated in Figs. 4 and 16A and described on pages 38, 42, 43, 51 and 52 of the application. For the above reasons, it is submitted that claim 8 further patentably distinguishes over Sahota.

Claim 28 has been amended to recite "commercial message broadcast designation information contained in the commercial message information and designating at least a commercial message broadcast concurrently via a single broadcast medium during a main program" (claim 28, lines 10-12) and that

the client purchases merchandise or a service in the commercial message information relating to the commercial message broadcast after the client sees the commercial message broadcast and performs an instruction for displaying the commercial message information relating to the commercial message broadcast (claim 28, lines 12-16). Therefore, it is submitted that claim 28 also patentably distinguishes over Sahota.

Claim 29 recites

receiving information about a client or information about merchandise or a service included in commercial message information and purchased by a client, as commerce information when the client sees a commercial message broadcast, performs an instruction for displaying the commercial message information relating to the commercial message broadcast and purchases the merchandise or the service while the commercial message broadcast and the commercial message information relating to the commercial message broadcast are broadcasted concurrently during a main program (claim 29, lines 5-11). As discussed above, Sahota discloses the display of a link to a website, not "information about a client or information about merchandise or a service" (claim 28, lines 5-6). Therefore, it is submitted that claim 29 also patentably distinguishes over Sahota.

Rejections under 35 U.S.C. § 103(a)

On pages 7-8 of the January 19, 2007 Office Action, claims 4-5 were rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of Sahota and Mayer. Nothing was cited or has been found in Mayer suggesting modification of Sahota to overcome the deficiencies discussed above. Therefore, it is submitted that claims 4-5 which depend from claim 1 patentably distinguish over Sahota and Mayer for the reasons discussed above with respect to the distinctions of claim 1 over Sahota taken alone.

Summary

It is submitted that the references cited by the Examiner do not teach or suggest the features of the present claimed invention. Thus, it is submitted that at least claims 1-9, 28 and 29 are in a condition suitable for allowance. Reconsideration of the claims and an early Notice of Allowance are earnestly solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: June 19, 2007

By: /Richard A. Gollhofer/
Richard A. Gollhofer
Registration No. 31,106

1201 New York Avenue, NW, 7th Floor
Washington, D.C. 20005
Telephone: (202) 434-1500
Facsimile: (202) 434-1501